

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN JONES,
Petitioner,
v.
JOHN MARSHALL, Warden,
Respondent.) No. C 09-6074 MMC (PR)
)
) **ORDER OF DISMISSAL;
DENYING LEAVE TO
PROCEED IN FORMA
PAUPERIS**
)
) **(Docket Nos. 2 & 4)**
)

On December 30, 2009, petitioner, a California prisoner incarcerated at the California Men's Colony in San Luis Obispo, and proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Together with his petition, petitioner filed an incomplete application to proceed in forma pauperis ("IFP"). That same date, the Court notified petitioner in writing that the action was deficient due to petitioner's failure to pay the requisite filing fee or, instead, to submit a completed court-approved IFP application. Specifically, in said notice, petitioner was advised that he must submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison, and must attach a copy of his prisoner trust account statement showing transactions for the last six months. Petitioner was further advised that his failure to pay the filing fee or, alternatively, to file a completed IFP application, within thirty days, would result in dismissal of the action. Along with said notice, petitioner was sent a copy of the court-approved prisoner's IFP

1 application, instructions for completing it, and a return envelope.

2 On January 15, 2010, petitioner filed a new IFP application, including a Certificate of
3 Funds in Prisoner's Account. As with petitioner's original IFP application, however, the
4 Certificate of Funds has not been completed and signed by an authorized officer at the prison.
5 Further, there is no trust account statement attached to the new IFP application, and the trust
6 account statement attached to the original IFP application does not encompass a period of
7 six months.

8 Accordingly, as more than thirty days have passed since the deficiency notice was sent
9 to petitioner and he has not filed a completed IFP application or paid the filing fee, the
10 above-titled action is hereby DISMISSED without prejudice. Additionally, the incomplete
11 applications to proceed in forma pauperis are hereby DENIED and no fee is due.

12 This order terminates Docket Nos. 2 and 4.

13 The Clerk shall close the file.

14 IT IS SO ORDERED.

15 DATED: June 15, 2010


16 MAKINE M. CHESNEY
17 United States District Judge

18

19

20

21

22

23

24

25

26

27

28